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OFFICE OF PETITIONS

In re Application of :
Michael G. Dykhoff :
Application No. 09/925,553 : DECISION GRANTING PETITION
Filed: 9 August, 2001 :
Attorney Docket No. 56950US002 :

This is a decision on the petition under 37 CFR 1.10(d) filed on 17 September, 2002, requesting that the above-identified application be accorded a filing date of 9 August, 2001, rather than the presently accorded filing date of 8 August, 2001.

Petitioner alleges that the application was deposited in Express Mail service on 9 August, 2001. Petitioner states that the "date-in" on the Express Mail Customer Label is incorrect, but has provided a copy of a USPS Express Mail Corporate Account Mailing Statement showing that the Express Mail shipment with Label No. EL597085739US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was deposited on 9 August, 2001. Additionally, a review of the USPTO's USPS Express Mail Information Database shows that the package bearing above-identified Express Mail Number was accepted by the USPS on 9 August, 2001.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is 9 August, 2001.

In view of the above, the application is entitled to a filing date of 9 August, 2001.

The petition is granted. No petition fee is due and none has been charged.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 9 August, 2001, not 8 August, 2001.

Telephone inquiries may be directed to the undersigned at 703-308-6918.



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